



99 PARK AVENUE NEW YORK, NY 10016-1601
TEL: (212) 286-8585 FAX: (212) 490-8966
WWW.HPMB.COM

Bianca M. Van Deusen
Associate
bvandeusen@hpm.com

March 15, 2022

VIA ECF

Magistrate Judge Lois Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Minhye Park v. David Kim, M.D.
Docket: 1:20-CV-02636(PC)
Our File: 778-1018

Dear Judge Bloom:

Our law firm represents Defendant Dr. David Kim in this action for medical malpractice. Pursuant to the Court's previous directives, Defendant served his motion to dismiss on Plaintiff's counsel on February 4, 2022. Although Plaintiff was also to serve her motion for sanctions by that date, she did not do so. Defendant timely filed his motion papers on PACER, including his reply memorandum of law, by March 4, 2022. Despite two separate Court Orders directing Plaintiff to file her opposition to Defendant's motion, first by March 4, 2022, and then by March 14, 2022, Plaintiff failed to adhere to both of these orders.

Additionally, while Plaintiff did serve opposition papers on Defendant via e-mail on February 25, 2022, these papers are not the same opposition papers that Plaintiff filed just after midnight on March 15, 2022. See Exhibit A (Plaintiff's Opposition Papers dated February 25, 2022) and Exhibit B (Plaintiff's Opposition Papers dated March 14, 2022). In the papers filed on March 15, 2022, Plaintiff asserts additional arguments that were not included in her original opposition papers served on Defendant. Significantly, the opposition papers filed on March 15th include an impermissible request for sanctions against Defendant contrary to the clear Court Order dated March 10, 2022, which provided that no motion for sanctions would be heard as Plaintiff failed to file her motion for sanctions on time. Nonetheless, Plaintiff then filed a letter motion with various exhibits seeking sanctions against Defendant on March 15, 2022. This

2538152.1

HEIDELL, PITTONI, MURPHY & BACH, LLP

NEW YORK | CONNECTICUT | WESTCHESTER | LONG ISLAND

Honorable Pamela Chen
Re: Park v. Kim et al.
March 15, 2022
Page 2



constitutes further evidence that Plaintiff cannot abide by the briefing schedules set forth by the Court, or any other Court Orders.

Defendant respectfully requests that the Court disregard both of Plaintiff's opposition papers and her impermissible motion for sanctions as they were not timely filed pursuant to Court Order. If the Court decides to hear Plaintiff's arguments requesting sanctions against Defendant, it is respectfully requested that Defendant be given sufficient time to serve an opposition to the papers that were untimely filed on March 15, 2022.

We thank Your Honor for your consideration of these requests.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bianca M. Van Deusen'.

Bianca M. Van Deusen (BVD 7066)

BMVD/bv
Attachments (Exhibits A & B)

cc: **VIA ECF**

Jae Lee, Esq.
JSL LAW OFFICES, P.C.
Attorneys for Plaintiff
626 RXR Plaza
Uniondale, New York 11556